

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DANIEL PAGE,

Case No. 3:16-cv-00600-MMD-WGC

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Petitioner,

ORDER

NEVADA ATTORNEY GENERAL, *et al.*,

Respondents.

In this habeas corpus action, on August 2, 2017, the petitioner, Nevada prisoner Daniel Page, filed an amended habeas petition (ECF No 16), and several exhibits (ECF Nos. 17, 18, 19, 21).

Along with his amended petition, Page filed a motion for leave to file certain exhibits under seal (ECF No. 20). In that motion, Page requests leave of court to file under seal copies of medical records (Exhibits 43, 44, 45, 46 and 47), a presentence investigation report (Exhibit 58), and a presentence investigation report questionnaire (Exhibit 59).

There is a strong presumption in favor of public access to judicial filings and documents. See *Nixon v. Warner Communication, Inc.*, 435 U.S. 589, 597 (1978); see also *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1134 (9th Cir. 2003). However, the court has inherent power over its own records and files, and access may be denied where the court determines that the documents may be used for “improper purposes.”

1 Nixon, 435 U.S. at 598; *Hagestad v. Tragesser*, 49 F.3d 1430, 1433-34 (9th Cir. 1995);
2 *Kamakana*, 447 F.3d at 1179; see also Fed. R. Civ. P. 5.2(d); LR IA 10-5.

3 Under Nevada law, a presentence investigation report, and the sources of
4 information for such a report, are confidential, and are not to be made part of a public
5 record. See NRS 176.156(5). Moreover, all the documents Page seeks to file under seal
6 contain information regarding medical and other private matters. In light of the state law,
7 and in light of Page's concerns regarding his privacy, the Court finds that there is good
8 cause for these exhibits to be filed under seal.

9 It is therefore ordered that petitioner's Motion for Leave to File Exhibits Under Seal
10 (ECF No. 20) is granted. Petitioner is granted leave of court to file his Exhibits Number
11 43, 44, 45, 46, 47, 58 and 59 under seal. As those exhibits have already been filed under
12 seal (ECF No. 21), no further action is necessary in this regard.

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14 DATED THIS 3rd day of August 2017.



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16 MIRANDA M. DU
17 UNITED STATES DISTRICT JUDGE
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